

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MICHAEL MCELFRESH, :
: Plaintiff, : 22-CV-4480 (JMF)
-v- :
: ORDER
NEW YORK LIFE INSURANCE COMPANY, :
: Defendant. :
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JESSE M. FURMAN, United States District Judge:

As stated during the teleconference held earlier today:

- The parties shall file a joint letter within **two weeks from the date of today's Order** indicating whether:
 - The parties agree that venue is improper in the Southern District of New York, and if so, including a stipulation and proposed order for transfer;
 - The parties agree that venue is proper in the Southern District of New York; or
 - The parties disagree as to whether venue in this District is proper, and if so, including a proposed briefing schedule to address the issue.
- Defendant shall produce the Administrative Record to Plaintiff within **two weeks from the date of today's Order**.
- Assuming the case remains in the Southern District of New York, within **two weeks after the production of the administrative record**, the parties shall submit a joint letter that includes the following:
 - Whether there is a need or basis for limited discovery beyond the Administrative Record and, if so, whether there is any disagreement as to its scope and proposing a schedule for its production;
 - If no discovery is necessary, the parties shall propose a briefing schedule for motions for judgment on the pleadings that minimizes the number and page length of brief — that is, where one side files an initial motion; the other side files a cross-motion, supported by a single, consolidated memorandum of law

in support of the cross motion and in opposition to the initial motion; the initial moving party files a single, consolidated memorandum of law in reply and in opposition to the cross-motion; and the cross-moving party files a reply;

- What, if anything, the Court can do to facilitate settlement, including referring the parties to a magistrate judge or the court-annexed mediation program.

SO ORDERED.

Dated: September 1, 2022
New York, New York



JESSE M. FURMAN
United States District Judge